

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Thomas J. Koss  
Rosemarie Koss  
Debtor(s)**

Bankruptcy Case No.: 15-22476-GLT  
Issued Per 3/9/2017 Proceeding  
Chapter: 13  
Docket No.: 43 - 38  
Concil. Conf.: March 9, 2017 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 12, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,478.00 as of March, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Mar. 9, 2017 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

**(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:***

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



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Gregory L. Taddonio, Judge  
United States Bankruptcy Court

Dated: March 14, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Thomas J. Koss  
 Rosemarie Koss  
 Debtors

Case No. 15-22476-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dbas  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 31

Date Rcvd: Mar 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 16, 2017.

14074619 db/jdb +Thomas J. Koss, 530 Upper Middletown Road, Smock, PA 15480-1120  
 14074621 +Advanced Integrated Medical, 9800A McKnight Road--#200, Pittsburgh, PA 15237-6032  
 14074622 Barclays Bank Delaware, P.O. Box 8802, Wilmington, DE 19899-8802  
 14074623 Brylane Home, WFNNB Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125  
 14074623 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One, c/o TSYs Total Debt Management, P.O. Box 5155, Norcross, GA 30091)  
 14099974 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 14074625 Central Credit/Penn Credit Corporation, 916 14th Place, P.O. Box 988, Harrisburg, PA 17108-0988  
 14074627 14074628 +Home Depot, P.O. Box 790328, Saint Louis, MO 63179-0328  
 Jessica London/Comenity Bank, Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125  
 14100960 14081727 +Midland Credit Management, Inc, as agent for MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011  
 14074632 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982  
 14074633 +PNC Bank, Consumer Loan Center, 2730 Liberty Avenue, Pittsburgh, PA 15222-4704  
 14074634 +PNC Mortgage, 3232 Newmark Drive, Miamisburg, OH 45342-5433  
 14074634 Roamans/Comenity Bank, P.O. Box 182273, Columbus, OH 43218-2273  
 14074635 14074636 Santander Consumer USA, Attn: Bankruptcy Dept., P.O. Box 560284, Dallas, TX 75356-0284  
 +Stoneberry, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849  
 14074638 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596  
 14074639 Woman Within, Comenity Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14074620 E-mail/Text: AEPcreditdept@amerimark.com Mar 15 2017 01:52:38  
 AmeriMark Premier Easy Pay Plan, P.O. Box 2845, Monroe, WI 53566-8045  
 14114695 E-mail/Text: bncmail@w-legal.com Mar 15 2017 01:52:24 CERASTES, LLC,  
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
 14116957 E-mail/Text: bncmail@w-legal.com Mar 15 2017 01:52:24 COMENITY CAPITAL BANK,  
 C/O WEINSTEIN & RILEY, P.S., 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
 14074624 E-mail/PDF: gecscedi@recoverycorp.com Mar 15 2017 01:53:12 CareCredit/Synchrony Bank,  
 Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
 14074626 E-mail/Text: creditonebknotifications@resurgent.com Mar 15 2017 01:51:52 Credit One Bank,  
 P.O. Box 98873, Las Vegas, NV 89193-8873  
 14127799 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 15 2017 01:52:56  
 LVNV Funding, LLC its successors and assigns as, assignee of FNB, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14074629 E-mail/PDF: gecscedi@recoverycorp.com Mar 15 2017 01:52:55 Lowe's/Synchrony Bank,  
 Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060  
 14124360 E-mail/Text: bkr@cardworks.com Mar 15 2017 01:51:49 MERRICK BANK,  
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
 14074630 E-mail/Text: bkr@cardworks.com Mar 15 2017 01:51:49 Merrick Bank, P.O. Box 9201,  
 Old Bethpage, NY 11804-9001  
 14136254 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Mar 15 2017 01:52:58  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14103678 E-mail/Text: bnc-quantum@quantum3group.com Mar 15 2017 01:52:01  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 14074631 E-mail/PDF: gecscedi@recoverycorp.com Mar 15 2017 01:52:55  
 Synchrony Bank/Paypal Buyer Credit, Attn: Bankruptcy Department, P.O. Box 965060,  
 Orlando, FL 32896-5060  
 14074637 E-mail/PDF: gecscedi@recoverycorp.com Mar 15 2017 01:53:32 TJX Rewards/Synchrony Bank,  
 Attention: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
 TOTAL: 13

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
 cr PNC BANK, NATIONAL ASSOCIATION

TOTALS: 1, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: dbas  
Form ID: 149

Page 2 of 2  
Total Noticed: 31

Date Rcvd: Mar 14, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 16, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 14, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION  
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmllawgroup.com  
Andrew F Gornall on behalf of Defendant PNC BANK, N.A. agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com;bkgroup@kmllawgroup.com  
Daniel R. White on behalf of Joint Debtor Rosemarie Koss dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com  
Daniel R. White on behalf of Debtor Thomas J. Koss dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com  
Daniel R. White on behalf of Plaintiff Rosemarie Koss dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com  
Daniel R. White on behalf of Plaintiff Thomas J. Koss dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com  
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmllawgroup.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmeecf@chapter13trusteeewdpa.com

TOTAL: 9